

Appln. No. 10/734,757**Resp. to Final Off. Act. of Dec. 10, 2004****UTILITY PATENT****B&D No. TN0667D**

connected to the main body, a first cam disposed at one end of the rod, a second cam disposed at the other end of the rod, a handle connected to the rod, where movement of the handle causes rotation of the cams, a first movable plate contacting the first cam, the first movable plate being movable between a first position contacting the fence beam and a second position not contacting the fence beam, and a second movable plate contacting the second cam, the second movable plate being movable between a first position contacting the fence beam and a second position not contacting the fence beam, wherein the first and second movable plates are separate.

Admittedly, Schnitzer discloses a fence assembly comprising a fence beam, and a fence head connected to the fence beam, the fence head including a main body, a rod having two ends and rotatably connected to the main body, a first cam disposed at one end of the rod, a second cam disposed at the other end of the rod, a handle connected to the rod, where movement of the handle causes rotation of the cams, and two separate plates contacting both the first and second cams.

Schnitzer however does not disclose that the plates are movable between a first position contacting the fence beam and a second position not contacting the fence beam. Schnitzer's ears 31 are described and shown as "downwardly extending," without any range of movement that would allow the movement between the first and second positions as called for in Claim 27.

By contradistinction, Claim 26 requires (a) "a first movable plate contacting the first cam, the first movable plate being movable between a first position contacting the fence beam and a second position not contacting the fence beam;" and (b) "a second movable plate contacting the second cam, the second movable plate being movable between a first position contacting the fence beam and a second position not contacting the fence beam."

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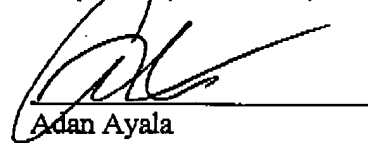
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Because Schnitzer does not have such movable plates, it cannot render unpatentable Claim 26 and its dependent claims.

All the claims are deemed patentable and the application is believed to be in condition for formal allowance. Accordingly, allowance of Claims 26, 28 and 47-52 are respectfully requested.

No fee is believed due. Nevertheless, the Commissioner is authorized to charge payment of any fees due in processing this amendment, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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